

REMARKS

The Office action of February 25, 2010, has been carefully considered.

Claims 30 and 31 have been rejected under 35 USC 112, second paragraph, as being indefinite in the use of the term "about" in referring to numerical ranges. Claims 30 and 31 have now been amended to remove the term "about" and withdrawal of this rejection is requested.

Claims 1, 6, 8, 12, 15, 16, 18-20, 23 and 27-33 have been rejected under 35 USC 103(a) over Lund et al in view of Nur et al.

The Office action takes the position that Lund et al discloses a mask including all elements of the claimed mask with the exception of the exhalation valve, and that Nur et al discloses a similar flexible protective hood having an exhalation valve.

Claims 1, 27 and 32 have now been amended to better define the invention and distinguish over the cited references. In particular, the claims have been amended to recite a two-part escape mask that may be supplied in a single pack. This is disclosed in paragraph [0035] of the application as published, with the two parts being a first part which is a mask in the form of a hood and a second part which is at least one separate circumferential elastic sealing and adjusting band. In reciting "band," the recitation of Claim 18 has been incorporated into Claim 1. As disclosed in paragraph [0035], two bands may be supplied together with the folded hood in the same pack, the second band serving as a reserve in the event that the first band tears or is lost.

Lund et al actually discloses a three-part mask assembly, in which the first part is a bag-shaped member made of plastic foil, the second part is described as an elastic, tape-formed closing member and the third part is a shrouding member which

is an elastic net hood, formed, for example, of a knitted textile material. This net is described as being necessary to pull the protective hood (the bag-shaped member) into contact with the head and face in order to reduce dead space within the hood.

According to the invention as claimed, no such third member can be present, and in fact, Applicant has found that no such third member is necessary for proper functioning of the mask, as satisfactory respiration takes place with the mask in the form of the hood and the sealing band. As the mask is used in emergency situations, the absence of a third member is a substantial advantage.

It is further noted that it is not clear from Lund et al whether the elastic sealing tape is attached to the hood. Whether or not the tape is attached to the hood does not appear to be disclosed in the specification. In Claim 1, tape is described as "means on said hood operable to circumferentially engage the neck of the wearer to seal the hood thereto." From this recitation, it would appear that the sealing means is actually attached to the hood, especially when compared with the recitation of the "elastic net shroud disposed in surrounding relation to said hood." It is clear from this recitation that the elastic net shroud is not attached to the hood.

According to the invention, the elastic sealing and adjusting band is not connected to the bag; this is a required arrangement according to the invention.

Accordingly, the claimed invention is directed to a two-part assembly in which the first part is a single bag made of transparent plastic film material impermeable to gases and having therein a filter assembly and an exhalation valve, and the second part is at least one separate elastic sealing band. No separate third part is present, as there is according to

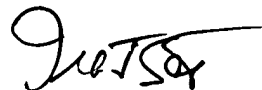
Lund et al, and therefore the combination of Lund et al and Nur et al does not place one of ordinary skill in the art in possession of the claimed invention.

Withdrawal of this rejection is requested.

Claim 2 has been rejected under 35 USC 103(a) over Lund et al and Nur et al and further in view of McGuinness, and Claims 9-11 and 13 have been rejected under 35 USC 103(a) over Lund et al and Nur et al in further view of Wen. Both McGuinness and Wen have been discussed in detail previously, and these references do not cure the defects of the Lund et al and Nur et al references. Withdrawal of these rejections is requested.

In view of the foregoing amendments and remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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